

**From:** Ed.Dale@ey.com@inetgw  
**To:** Microsoft ATR  
**Date:** 1/23/02 1:16pm  
**Subject:** RUSSELL PAVLICEK: "The Open Source" from InfoWorld.com, Wednesday, January 23, 2002

This article against the proposed settlement was published in a well respected journal of the computer field.

Ed Dale

Ernst & Young Center for Business Knowledge  
1200 Skylight Office Tower  
1660 West Second Street Cleveland, Ohio 44113  
Work Phone: 216-583-1116  
Fax: 216-622-0199

----- Forwarded by Ed Dale/National/Administration/EYLLP/US on 01/23/2002 01:07 PM -----

OpenSource@bd  
cmail.com      To:    ed.dale@ey.com  
cc:  
01/23/2002      Subject:    RUSSELL PAVLICEK:  
"The Open Source" from InfoWorld.com,  
12:15 PM      Wednesday, January 23, 2002  
Please  
respond to  
OpenSourceHel  
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RUSSELL PAVLICEK: "The Open Source" InfoWorld.com

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Wednesday, January 23, 2002

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REWARDING PUNISHMENT

Posted January 18, 2002 01:01 PM Pacific Time

I'VE RECEIVED A number of requests to address the

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pending (as of this writing) settlement of the civil anti-trust lawsuit against Microsoft. Under the pending agreement, Microsoft will be obligated to provide hardware and software to thousands of underfunded school districts across the country. The logic, if you can call it that, is that such schools could benefit greatly from receiving the technology they lack.

Undeniably, there is an emotionally compelling case for this. A gigantic company, found guilty of doing wrong, is ordered to help the underprivileged. "We need to do it for the children," cry the politicians. "Think of the children!"

"For the children." That's the phrase politicians in Washington use to justify an action so irrational that it cannot be justified any other way.

How can I properly characterize this solution? It is like a court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted.

Sure, public classrooms need more technology. And it is especially important that children who don't have as many opportunities in life get assistance. But that is not adequate justification for assigning the fox to guard the hen house.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for underfunded schools, but let those donations go toward hardware only; then populate those machines with open-source software.

Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare.

Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without

low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, "But open source is too difficult to administer!" Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial.

Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two.

Would our schools be better off with open source? Let me know at [pavlicek@linuxprofessionalsolutions.com](mailto:pavlicek@linuxprofessionalsolutions.com), or sign on to my forum at [InfoWorld.com](http://InfoWorld.com).

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\* AOL reportedly eyeing Red Hat purchase  
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<http://www.infoworld.com/articles/hn/xml/02/01/21/020121hnaolredhat2.xml?0123weli>

\* Report: AOL in talks to acquire Red Hat  
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<http://www.infoworld.com/articles/hn/xml/02/01/21/020121hnaolredhat.xml?0123weli>

\* CES - Royal touts low-cost Linux PDA

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QUOTE OF THE DAY:

"One of the greatest challenges for CTOs is where to draw the line between insourcing and outsourcing -- you can't get the job done by completely going either way."

--InfoWorld CTO Chad Dickerson.

<http://www.infoworld.com/articles/op/xml/02/01/21/020121opconnection.xml?0123weli>

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